

**MINUTES**  
**HEARING INSTRUMENT SPECIALIST BOARD**  
**July 13, 2005 - 9:00 A.M.**  
**Room 428 - Fourth Floor - Heber Wells Bldg.**  
**160 East 300 South**  
**Salt Lake City, Utah**

**CONVENED: 9:10 A.M.**

**ADJOURNED: 11:06 A.M.**

**PRESENT:**

Mr. Clyde Ormond, Bureau Manager  
LaTonya Green, Board Secretary

Board Members:

Bruce Sharp, Chairman  
Lowell Brown  
Paul Littlefield

**ABSENT:**

Kent Milligan

**GUESTS:**

Robert Heygster, HHPU; J. Kiely Ball, Intermountain  
Hearing; Craig Jackson, Division Director

**TOPICS FOR DISCUSSION:**

**DECISIONS AND RECOMMENDATIONS:**

**ADMINISTRATIVE BUSINESS:**

Minutes

Mr. Littlefield made a motion that the minutes of the April 13, 2005 Board meeting be approved as written. Mr. Brown seconded, and the motion carried unanimously.

Daniel Finlay Apt.

Mr. Finlay appeared before the Board for his probation interview. Mr. Sharp said the Board needed his hours of continuing professional education. Mr. Finlay said he had a total of 26 hours and should have 9 hours to use for next time. Mr. Sharp reviewed the hours and said it was sufficient. He then added that the hours he accrued from the day before would be included.

Mr. Sharp asked if he had trouble getting continuing education in the past. Mr. Finlay said it isn't hard it is very enjoyable. Mr. Brown noted that the renewal was in September and Mr. Finlay had waited 4 months to renew. Mr. Finlay apologized and said that he was building a house and had been late in the past and just paid a fee, so he didn't think it was a big concern. Mr. Brown stated the expectation is that each licensee is responsible for and needs to complete the required continuing education within the appropriate time.

Mr. Finlay said at the time of renewal he was trying to get some hours, he booked a training seminar in Las Vegas, but couldn't get a room. He was trying to figure out other ways to complete the continuing education.

Mr. Brown made a motion to accept his 20 hours. Mr. Littlefield seconded the motion. Mr. Ormond said that a motion needed to be made regarding the completion of his Memorandum of Understanding. Mr. Ormond asked Mr. Finlay if he is still supervising and he stated he was not. Mr. Finlay stated he is now working for a hearing aid company in Bountiful. Mr. Ormond said he would further research his employment. Mr. Brown moved that all conditions were met and to amend the probation. Mr. Littlefield seconded and both motions carried unanimously.

David Harris Apt.

Mr. David Harris met with the Board via telephone interview. Mr. Sharp asked Mr. Harris if he had any concerns or issues with his probation during the past three months. Mr. Harris said that any issues he had were already taken care of, and he had no new questions.

Mr. Sharp said that everything looked good for the past 3 months, and asked if he had a clear knowledge of his scope of practice. Mr. Harris stated he did. Mr. Ormond asked if he had to deal with anyone under the age of 18 years old? Mr. Harris stated he had not.

Mr. Brown asked Mr. Harris if he felt he was in compliance with the terms and conditions of his Memorandum of Understanding? He stated he was.

A motion was made by Mr. Brown and seconded by Mr. Littlefield to terminate Mr. Harris' probation as all of the conditions of his Memorandum of Understanding have been met as of today, July 13, 2005. The motion carried unanimously.

Gordon Card

The Board reviewed Mr. Card's application to become a Hearing Instrument Intern. He has passed the Utah Law and Rules Exam, and sent a request form to work under Molly Leroy, license #4830696. It was determined that Ms. Leroy has been fully licensed as a Hearing Instrument Specialist since February 21, 2003.

Mr. Ormond said he would find out if Ms. Leroy's first intern is currently under direct supervision, and when that will end; then find out how she will directly supervise Mr. Card if he lives in Ferrin, Utah with her offices being in Salt Lake City. Mr. Ormond stated she

would either need to go to him, or he would need to come to Salt Lake City to work.

The Board recommended that Mr. Card's application for internship be approved contingent upon Mr. Ormond determining the status of Ms. Leroy's other intern and how she will directly supervise Mr. Card.

Mr. Ormond later spoke with Ms. Leroy and was told that Mr. Card will be working out of her office in Salt Lake City under direct supervision. Her other intern, Gregory Leroy, started on April 13, 2005.

Roger Caldwell

Mr. J. Kiely Ball, Mr. Caldwell's supervisor, appeared before the Board for review of Roger Caldwell's application to become a Hearing Instrument Specialist. Mr. Ball advised the Board that Mr. Caldwell had failed one part of the test. Mr. Ormond said that Mr. Caldwell had a license as a Hearing Aid Dispenser in 2002, which expires in September of 2005. Mr. Ormond said he passed the written and practical exams. Mr. Sharp said he has been practicing for 3 years. Mr. Ormond said he needs the NCBHIS, and, the health aid and audiology program examination.

Mr. Ball advised the Board that Mr. Caldwell said he wants to do an internship because the scores from the exam take 8 weeks to come back. Mr. Ormond said if an applicant has done everything but the exam, they can be given a temporary license until they pass the test. If the applicant doesn't pass the exam, then the full license will be denied, and the temporary license will become null and void. Mr. Ormond advised Mr. Ball that Mr. Caldwell doesn't need an internship.

Mr. Littlefield made a motion that Mr. Caldwell receives a temporary license subject to passing scores of the NCBHIS. Mr. Brown seconded, and the motion carried unanimously.

Steven Barfuss

The Board reviewed Mr. Barfuss' application to become a Hearing Instrument Intern working under Todd Lee. Mr. Lee has only been licensed for a few months and doesn't have enough practical experience. Mr. Ormond said that the Division would send an incomplete application letter to Mr. Barfuss requesting that he obtain another supervisor since Mr. Lee does not qualify to be a supervisor.

A discussion then took place concerning Internships and what the requirements were to be an intern as well as supervise an intern.

Mr. Barfuss was later notified that Mr. Lee did not qualify as a supervisor. Mr. Barfuss then asked if Mr. Steve Neilson could be the supervisor. Mr. Neilson's background was reviewed and he was approved as the supervisor and the license was issued.

## **DISCUSSION ITEMS:**

Differentiation of the ILE Exam  
and the NBC-HIS Exam

Mr. Sharp advised the Board he couldn't speak to the head of International Hearing Society as she wasn't at the conference. However, he did speak with Susan Stewart who is one of the Operations Managers. Mr. Sharp reviewed the documentation of the sheet with Ms. Stewart and she admitted it was undeniable they are similar and the two content outlines appear to be duplicates.

Mr. Sharp said based on his basic knowledge of fundamentals of practice, it's the way you deal with the industry after having restraints and dealing with the field for a while. At the present time, they are working on fixing this problem to make it look like the exams are not duplicated. Mr. Ormond questioned if we should require both exams. Mr. Sharp said he isn't comfortable with both exams being used either. There is a possibility that one of the exams may be dropped.

Hearing Instrument Specialists  
and Intern Applications

Mr. Brown asked whether an applicant is required to wait until the next Hearing Instrument Specialist Board meeting before being approved for licensure? Mr. Ormond stated the Division's normal procedure is that the Division reviews the applications first and approves those who meet the requirements of the statute. If they don't meet all requirements the application will then go before the Board for review. However, this Board had decided they wanted to review all intern applications before they were approved for licensure due to an error made by the Division in the past.

Mr. Jackson asked if the Division determines if qualifications are being met the same way the Board determines it? Mr. Ormond said yes. Mr. Heygster stated that in Wyoming the Department of Commerce puts the applications together in one day or two, and then forwards it to the Chairman, who is a specialist. Mr. Ormond stated that Wyoming has a Policy Board, and we only have an Advisory Board.

Mr. Heygster suggested that applicants should meet with the Board after being licensed to review what licensure entails. Mr. Ormond stated you have to be careful of meeting and reviewing them after they are

Licensed. If you find an error, and the license has been issued and you have to have grounds for revocation, you have to hope it won't cause a problem with the rest of the industry. For example a license was issued to someone who had too many interns. He easily gave some of them up, but if there is a serious violation of the statute after someone is licensed then we have to go through a revocation procedure.

Mr. Brown recommended that the Division accept and approve the Hearing Instrument Specialist and Intern applications that meet the requirements of the statute. The Board will only review those with problems.

Mr. Brown moved that after the Division approves the applications, a letter get sent to the applicant for them to come to the next Board meeting for an educational review. Mr. Littlefield seconded, and the motion carried unanimously. Mr. Ormond stated he will take this suggestion under advisement.

#### Hearing Instrument Specialist Practical Exam

A discussion took place regarding the process for taking this exam. Mr. Ormond said the Division has been concerned with the delays in the past that have occurred with the administration of this exam.

When the new law went into effect, Enoch Cox encountered several delays in taking the Practical Exam. Mr. Cox began his internship on January 30, 2002 and asked to take the Practical Exam shortly thereafter but it wasn't in place. Mr. Cox's license didn't expire until 2005 so the Division advised him to work under supervision and take the practical exam when it became available.

Mr. Cox then registered to take the exam on September 16, 2004 but Thomson Prometric failed to schedule him for that exam. On January 14, 2005 an exam rater was secured but then declined to administer the exam. On April 21, 2005 Thomson Prometric again failed to schedule him for the exam. On June 16, 2005 another rater was secured but failed to show while Mr. Cox waited for about an hour. Since Mr. Cox's intern license has now expired it can't be renewed according to the statute. Mr. Ormond said anyone who applied before 2004 could have just gotten the 2000 hours and finished.

Mr. Carlson, Mr. Heygster and Mr. Ball expressed their opinion that Mr. Cox had plenty of time to take the exam, but he never did. Mr. Sharp said it is necessary to set a precedence to get these exams done, or no licenses should be issued.

The Board then discussed the process of taking the Practical Exam at length. Mr. Ormond discussed the options that Mr. Cox has to take the exam. He advised the Board that he would do a fact pattern, and if he denies the application, then Mr. Cox could appeal. Mr. Ball advised Mr. Ormond that he would find that the test and exam raters were available multiple times. Mr. Ormond stated he was told there were some problems because people were recusing themselves from being the raters. He expressed the Division's concern it gives the appearance of gate keeping.

Mr. Ormond later determined that the delays that Mr. Cox experienced were valid. Mr. Cox has now submitted an application for licensure as a Hearing Instrument Specialist. He informed Mr. Cox if he can take and pass the Practical Exam the Division would issue him a temporary Hearing Instrument Specialist License for a specified amount of time to allow him to continue to work until he can obtain his NBCHIS certification.

#### Exam Raters

Mr. Ormond said based on the minutes from the last meeting, the Board wanted to get in touch with Thompson Prometric on the amount the exam raters are getting. He will contact the testing agency to discuss the issue. Mr. Sharp said if we approve the raters they would implement the charge.

Mr. Ball said they have to go through to see what the pact will be, make changes in the information bulletin, and reflect the cost of the examination. Mr. Ormond said the cost of the raters wouldn't be official for a while.

Mr. Ormond said that another option would be to bring people in from Idaho to be exam raters. If it is comparable to what we pay now then it might be an option.

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DATE APPROVED

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CHAIRPERSON, HEARING INSTRUMENT  
SPECIALIST BOARD

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DATE APPROVED

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BUREAU MANAGER, DIVISION OF  
OCCUPATIONAL & PROFESSIONAL  
LICENSING